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121509Z Mar 04

UNCLAS SECTION 01 OF 02 LAGOS 000547

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E.O. 12958: N/A

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SUBJECT: NIGERIA: WAR ON NAFDAC: THE BATTLE AGAINST COUNTERFEIT DRUGS

1. (U) Summary: Just three months after an attempted assassination of Director General Dr. Dorothy Akunyili, Nigeria's National Agency for Food and Drug Administration and Control (NAFDAC) seems to be under attack. Fires gutted the agency's Lagos office on March 7, and less than 72 hours later, its Kaduna laboratory burned down. Despite these attacks, NAFDAC's management and staff remain focused on their goal of significantly reducing the manufacture and distribution of counterfeit drugs. Barring further attacks on its personnel and facilities, the agency may achieve some success. End summary.

2. (U) Fires gutted NAFDAC's Lagos office last Sunday, just weeks after the agency restated its commitment to reducing the proliferation of counterfeit drugs. The fire affected key directorates of the agency's Lagos operations, including the Ports Inspection Directorate (PID), the Establishment Inspection Directorate (EID), and the director general's office. According to one of NAFDAC's senior staff, the agency lost records of its port activities and raids. Parts of its Enforcement Directorate and Administrative Department survived intact, but hundreds of records were lost. The PID and EID have been relocated, and the agency's director general is now expected to work from Abuja.

3. (U) Even as investigations into the cause of the fire began, NAFDAC's Kaduna laboratory, its largest, burned down. According to news reports, fires started simultaneously in the laboratory's three buildings around 0300 on Wednesday, March 10, ultimately destroying millions of dollars of equipment. Nigeria's National Assembly responded by calling for 24-hour surveillance of all NAFDAC facilities, and the agency's senior staff advised personnel to keep a low profile, particularly in light of speculations that a powerful cartel may have been involved in the two incidents.

4. (U) The fires follow three reported attempts on the life of NAFDAC Director General Dr. Dorothy Akunyili. Late last December, gunmen allegedly attacked Dr. Akunyili in her hometown, Agulu, in Anambra State. Earlier incidents took place at her home in Abuja while she was on official trips. The GON responded by calling for increased security around Dr. Akunyili and NAFDAC's staff and facilities nationwide. The GON reportedly deployed security personnel, and NAFDAC hired private security agencies at several of its facilities.

5. (U) Many observers believe NAFDAC's moderate success in reducing the manufacture and distribution of counterfeit drugs may have earned it very powerful enemies. According to the Chairman of NAFDAC's Governing Council, Dr. Andy Andem, the agency destroyed substandard and fake products worth N6.07 billion (\$45 million) in 72 exercises in the year to November. Andem says the agency secured thirty convictions in counterfeit drugs-related cases in 2003 and believes another forty cases are pending in Nigerian courts. NAFDAC routinely embarks on enlightenment campaigns to educate the public about genuine products and expose fake versions and their manufacturers, if the identities of the latter are known. Such exposure may not sit well with producers of counterfeit drugs.

6. (U) NAFDAC's regulation and control of the manufacture, distribution, sale, and use of drugs has improved significantly since Dr. Akunyili was appointed in April 2001. In the three years since she took office, Dr. Akunyili has reorganized NAFDAC's operations and created directorates for registration and regulatory affairs, laboratory services, narcotics and controlled substances, ports inspections, establishment, and enforcement. The new directorates have given the agency a clearer focus and significantly improved its success in the fight against counterfeit drugs. NAFDAC staff believe three GON policies have also helped: the ban on the importation of drugs and other regulated products through land borders; the designation of specific ports and airports through

which drugs and pharmaceutical raw materials can be imported; and the requirement that all shipping companies and the Nigerian Ports Authority release shipping and cargo manifests to the agency's inspectors.

17. (U) Comment: No security staff were present when Econ staff visited NAFDAC's Lagos office. Senior officials point out that although NAFDAC personnel remain committed to reducing the manufacture and distribution of counterfeit products, the agency remains vulnerable to future attacks. Like many unresolved fires at public offices like the Nigerian National Petroleum Corporation and the Lagos High Court, the fires at NAFDAC raised suspicions that individuals acted to destroy incriminating evidence. If so, they obviously succeeded, as critical case records and data were lost. NAFDAC personnel say they will continue to try to reduce the manufacture and attacks on personnel and facilities and with Dr. Akunyili's increased determination, the agency may have some success. End comment.

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